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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO.6654 OF 2006
IN
LETTERS PATENT APPEAL NO.228 OF 2005

Mr. Rudrappa Vitthal Koli ... Petitioner

Vs.

The Secretary, Mahatma Phule Education Society, & Ors. ... Respondents

Mr. Ambar Joshi for the petitioner.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 17TH APRIL, 2007.

P.C.:-

1. The above letters patent appeal has been dismissed on merits as well as on the ground that the impugned order has been passed under Article 227 of the Constitution of India and that mere mention of Article 226 of the Constitution of India cannot create a right in the litigant to choose the Forum or create a right to an appeal.

2. We have heard the learned counsel appearing for the petitioner. We find that the learned single judge has while dismissing the petition held against the petitioner not only on the ground of moral turpitude but also on the ground that he was negligent in performing his duties. We may quote the

relevant portion.

> *"4. However, even if the aforesaid charge were to be kept out of consideration, sufficient material was produced before the Enquiry Committee in support of the other charges. The other charges against the petitioner included that he had remained willfully absent at critical periods without prior permission and that he was negligent in the performances of his duties. The School Tribunal has noted in the course of its order that the aforesaid charges were proved by sufficient documentary material. The management had examined students who had supported the complaints which were lodged against the petitioner. No rebuttal evidence was produced on behalf of the petitioner."*

3. We are in agreement with the learned Single Judge. In the circumstances, we find no merits in the review petition. Besides, there is delay in filing this review petition, which is also not explained. In the circumstances, the review petition is rejected.

4. Needless to say that the application for condonation of delay also stands disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]